

Message Text

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ACTION AF-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 INR-07 NSAE-00 PA-01
PRS-01 USIA-06 SS-15 NSC-05 SP-02 IO-13 L-03 H-01
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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 6663
INFO AMCONSUL CAPE TOWN
AMEMBASSY DAR ES SALAAM
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MASERU
AMEMBASSY MAPUTO

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: PFOR, PINT, SHUM, SF

SUBJECT: TRANSKEI CITIZENSHIP FOR URBAN BLACKS

REF: DURBAN 556 (76) (NOTAL)

1. IN LAST TWO WEEKS, PRESS HAS REPORTED SEVERAL CASES IN JOHANNESBURG AREA OF URBAN BLACK XHOSAS BEING FORCED TO ACCEPT TRANSKEI DOCUMENTATION AND THEN BEING GIVEN LIMITED RESIDENTIAL RIGHTS. EMBOFF SPENT MORNING JANUARY 18 AT BLACK SASH OFFICES WITNESSING FLOW OF BLACKS ASKING FOR ASSISTANCE ON THESE PROBLEMS. IT APPEARED THAT ANY BLACK LISTED AS XHOSA IN HIS REFERENCE BOOK WHO HAS TO APPROACH BANTU LIMITED OFFICIAL USE

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ADMINISTRATION OFFICES FOR ANY REASON, I.E. JOB REGISTRATION, MARRIAGE CERTIFICATE, RENEWAL OF REFERENCE BOOK, ETC., IS EITHER BEING TOLD TO GET TRANSKEI PASSPORT OR HIS HAVING REFERENCE BOOK AMENDED TO SHOW TRANSKEI AS PLACE OF TAXATION. OF EIGHT SPOKEN TO BY EMBOFF, ALL WERE JOHANNESBURG BORN, TWO DIDN'T SPEAK XHOSA AND ONE COULD TRACE NO RELATIONSHIP TO TRANSKEI OR XHOSA ANCESTORY.

IF PERSON ACCEPTS THIS LINKAGE WITH TRANSKEI, HE IS ALLOWED TO RETAIN RESIDENCE RIGHTS AND JOB REGISTRATIONS THOUGH THESE ARE FREQUENTLY LIMITED IN TIME AND REQUIRE RENEWAL PERIODICALLY. IN TWO CASES, PERSONS REFUSED TO ACCEPT TRANSKEI CITIZENSHIP AND WERE NOT ALLOWED TO REGISTER FOR WORK ALTHOUGH ALL OTHER DOCUMENTATION WAS IN ORDER. BOTH HAVE NOW LOST JOBS. ALTHOUGH THEY ARE LIFE-LONG JOHANNESBURG RESIDENTS AND WORKERS, THEY ARE NOW SUBJECT TO ARREST AND DEPORTATION TO TRANSKEI AS "IDLE AND UNDESIRABLE."

2. BLACK SASH LEGAL ADVISOR STATES THAT CITIZENSHIP POSITION IS CLEAR. ALL PERSONS WHO ARE OF TRANSKEI ORIGIN OR XHOSA SPEAKING, AND NOT FROM CISKEI, ARE NOW TRANSKEI CITIZENS. AS REPORTED REFTEL, ALTHOUGH MATANZIMA HELD OUT PUBLICLY THAT NO ONE WOULD BE FORCED TO ACCEPT CITIZENSHIP, HE HAS DONE NOTHING TO CLARIFY VAGUE LANGUAGE IN TRANSKEI CONSTITUTION WITH RESULT THAT SAG LAWS APPLY. THEREFORE, AS OF OCTOBER 26, 1976, ALL ABOVE MENTIONED PERSONS ARE TRANSKEI CITIZENS. ALTHOUGH THERE IS NO LEGAL BASIS FOR DISPUTE, BLACK SASH FEELS THAT PERSONS BORN AND LIVING CONTINUOUSLY IN URBAN AREAS ALL THEIR LIVES CAN BE PREVENTED FROM BEING DEPORTED UNDER SECTION 10 OF THE BANTU (URBAN AREAS) CONSOLIDATION ACT AS AMENDED IN 1964. THIS ALLOWS BLACKS TO REMAIN FOR MORE THAN SEVENTY-TWO HOURS IN PRESCRIBED AREA IF THEY'VE RESIDED LAWFULLY AND CONTINUOUSLY THERE FOR MORE THAN 15 YEARS OR WORKED FOR ONE EMPLOYER THERE FOR MORE THAN TEN YEARS. BLACK SASH INTENDS ON TAKING TEST CASES TO SUPREME COURT LIMITED OFFICIAL USE

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FOR ACTION UNDER SECTION 10 TO SECURE RESIDENTIAL RIGHTS FOR THESE PERSONS.

3. EMBASSY CONTACTED BANTU ADMINISTRATION OFFICIAL FOR STATEMENT OF POLICY ON THESE MATTERS AND WAS TOLD THAT "RESIDENTIAL RIGHTS ARE NOT AFFECTED" AS SOON AS CITIZENSHIP IS SETTLED. HE REFERRED EMBOFF TO AGREEMENT BETWEEN SAG AND TRANSKEI OF SEPTEMBER 17, 1976, WHICH ALLOWS "CITIZEN OF TRANSKEI" LAWFULLY RESIDENT OR LEGALLY EMPLOYED IN SOUTH AFRICA AS OF INDEPENDENCE OF TRANSKEI AND POSSESSING "RECOGNIZED TRAVEL DOCUMENT" NOT TO BE REQUIRED TO RETURN TO TRANSKEI "IN THE EVENT OF HIS ENTERING INTO NEW EMPLOYMENT." HOWEVER, XHOSE SPEAKERS ARE DECREED TO BE TRANSKEI CITIZENS. HE REFUSED TO COMMENT ON EARLIER STATEMENT BY SAG OFFICIAL THAT BLACKS WOULD BE GIVEN TWO YEARS OF UNCHANGED STATUS BEFORE NEED TO WORRY ABOUT CITIZENSHIP ISSUE (REFTEL). PRESS REPORTS TRANSKEI SPOKESMAN STILL CLAIMS NO ONE BEING FORCED ON CITIZENSHIP ISSUE. HOWEVER, HE AGREES WITH SAG THAT TRANSKEIANS NO LONGER HAVE RIGHT TO SOUTH AFRICA

REFERENCE BOOKS AND MUST SEEK TRANSKEI DOCUMENTS. AS TRANSKEI APPARENTLY ACQUIESCING IN SAG DEFINITION OF CITIZENSHIP, THIS MEANS ALL XHOSA SPEAKERS NOT FROM CISKEI WILL NOT BE ALLOWED TO KEEP SOUTH AFRICAN DOCUMENTS. XHOSA SPEAKERS ARE IDENTIFIED BY STAMP IN REFERENCE BOOK (AS MENTIONED ABOVE, SOME DO NOT ACTUALLY SPEAK XHOSA) AND ARE ASSUMED TO BE FROM TRANSKEI UNLESS ABLE TO DOCUMENT CLAIM TO BE FROM CISKEI. CISKEI REPRESENTATIVE HAS ALREADY COMPLAINED TO SAG THAT MANY CISKEIANS ARE BEING ASKED TO RECLASSIFY AS TRANSKEIANS.

4. COMMENT. DISRUPTIVE POTENTIAL OF THIS RECLASSIFICATION PROCESS MAY BE FAR REACHING AS PERSONS SUDDENLY FIND THEMSELVES TURNED INTO "ALIENS" AND LIABLE AT ANY TIME TO BE UPROOTED. BLACK SASH IS PARTICULARLY CONCERNED ABOUT PRECEDENT AS BOPHUTHATSWANA NEARS INDEPENDENCE THIS YEAR. SASH OFFICERS THINK CITIZENSHIP ISSUE MAY HAVE RADICALIZING LIMITED OFFICIAL USE

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EFFECT ON OLDER, MORE MODERATE BLACKS NOW AFFECTED BY NEW LAWS, WHO HERETOFORE WOULD HAVE BEEN SATISFIED TO LIVE QUIETLY IN ESTABLISHED PATTERNS.
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